

## **CALIFORNIA DEPARTMENT OF INSURANCE**

### **Title 10, Chapter 5, Subchapter 3, Article 1.1**

#### *Holocaust Victim Insurance Relief Act of 1999* *Holocaust Era Insurance Registry*

### **Article 1.1 Holocaust Era Insurance Registry**

#### **§2278 Purpose**

These regulations establish standards for reporting under the Holocaust Victim Insurance Relief Act of 1999 which creates the Holocaust Era Insurance Registry and insures public access to that registry (California Insurance Code Section 13803).

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Section 13800 et. seq., Insurance Code.

#### **§2278.1 Definitions**

(a) The term “Europe,” means areas in the European Continent that were at some time occupied or controlled by Nazi Germany, its allies or sympathizers.

(b) The terms “parent” and “subsidiary” include both direct and/or indirect relationships. The term subsidiary is as defined in California Insurance Code Section 1215(f).

(c) The term “managing general agent” means a relationship as defined in California Insurance Code Section 769.81(c) and the NAIC Model Laws and regulations regarding managing general agents.

(d) The term “insurer” means any insurer doing business in California on or after October 10, 1999.

(e) The term “affiliate company of the insurer” is as defined in California Insurance Code Section 1215(a).

(f) The term “sold to persons in Europe” means policies which were sold to the policyholder when he or she was in Europe.

(g) The term “unpaid” includes policies paid to some person or entity other than the insured, policyholder or beneficiary.

(h) The term "Department" means the California Department of Insurance.

(i) The term reinsurer means a parent, subsidiary or affiliate of the insurer that provides reinsurance as defined in California Insurance Code Section 620.

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Sections 620, 769.81(c), 1215(a), 1215(f), 13801(e), 13802(b) and 13804, Insurance Code.

### **§2278.2 Who is required to submit a Report**

(a) Every insurer that sold life, property, liability, health, annuities, dowry, educational, or casualty insurance policies, directly or through a related company to persons in Europe, which policies were in effect between 1920 and 1945, whether the sale occurred before or after the insurer and the related company(ies) became related must submit a report. If the insurer states that it has no actual policies to report because the records are no longer in the possession of the insurer or its related company(ies), it shall provide a complete explanation of that statement.

(b) A consolidated report may be submitted by the reporting insurer's holding company on behalf of all members of the holding company required to file a report. A consolidated report shall designate one insurer as the reporting insurer for purposes of compliance with CCR Title 10 Section 2278.3(a)(1) and Section 2278(a)(2), and shall specify what insurers are included in the report. Insurers that choose to file a consolidated report must comply with all other requirements of these regulations and all such insurers are subject to liability under California Insurance Code Sections 13805 and 13806.

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Section 13804, 13805, 13806, Insurance Code.

### **§2278.3 Report Format**

(a) The report shall be submitted on letterhead of the reporting insurer, dated, signed and verified as provided in California Code of Regulations Title 10 Section 2683.22 by an officer of the insurer who has authority to bind the insurer (this person shall be the contact person for the purpose of implementing these regulations), with paragraphs numbered as follows:

#### **(1) Insurer Identification**

This paragraph shall state the name, address, phone, fax, email, and website for the main office of the insurer making the report.

#### **(2) Contact Person**

This paragraph shall state the name, address, phone, fax and email for the Contact Person as set forth in California Code of Regulations Title 10 Section 2278.3(a).

#### **(3) Related Companies**

This paragraph shall state the current name, address, phone, fax, email and website for each company related (as defined in California Insurance Code Section 13802(b) and in these regulations) to the insurer (as defined in these regulations) which sold insurance as set forth in California Insurance Code Section 13804(a). This paragraph shall include a detailed statement with attached exhibits as necessary which describes the relationship, including but not limited to dates the relationship commenced and ended, percent

ownership interest, and any other information which would set forth the relationship between the insurer and the related company(ies). This paragraph shall also include the information in the form of an organization list or organization chart showing current and past relationships with the related company(ies).

(4) Number of Policies

This paragraph shall state separately for the insurer and for each of its related companies, the number of insurance policies sold to persons in Europe which were in effect between 1920 and 1945 whether the sale occurred before or after the insurer and the related company became related.

(5) Policy Information

To the extent that it is contained in any records currently in the possession of the insurer or its related companies, the following policy information shall be provided.

(A) Policyholder Name

The insurer shall provide the policyholder's full name. The names shall be listed as LAST NAME, FIRST NAME, MIDDLE NAME in alphabetical order by last name. If the insurer has information indicating that the policyholder had more than one policy, all required information shall be entered separately for each policy.

(B) Policyholder Address

The insurer shall provide the complete address, city of origin or domicile of the policyholder at the time the policy was issued. The information provided shall be the most complete information that the insurer has. For example, if the insurer has the policyholder's complete address, that should be entered. If the insurer only has the city of origin or domicile, that information should be entered.

(C) Insured Name and Address

The insurer shall provide the name and address of the insured if the insured is different from the policyholder. This information shall be provided as described in the Policyholder Address section herein.

(D) Beneficiary Name

The insurer shall provide the named beneficiary or beneficiaries as stated on the policy.

(E) Current Status

The insurer shall state, for each policy, whether the policy is paid or unpaid.

(F) Insurance Company

The insurer shall provide, for each policy, the name of the insurance company which issued the policy at the time the policy was issued and the name of the insurance company which is currently responsible for the liabilities of the insurance company which issued the policy.

(G) Certifications

The insurer shall complete each of the following certifications for each listed policyholder and insured.

1. Certification that the proceeds of the policy have been paid to the designated beneficiary(ies) or heir(s). The insurer must state YES or NO.
2. Certification that the proceeds of the policy (where the beneficiaries or heirs could not, after diligent search, be located or identified) have been distributed to Holocaust survivors or to qualified charitable nonprofit organizations for the purpose of assisting Holocaust survivors. The insurer must state YES or NO.
3. Certification that a court of law has certified in a legal proceeding resolving the rights of unpaid policyholders, their heirs, and beneficiaries, a plan for the distribution of the proceeds. The insurer must state YES or NO.
4. Certification that the proceeds of the policy have not been distributed and the amount of those proceeds. If the proceeds of the policy have not been distributed, the insurer must state YES and state the amount of the proceeds of the policy as defined in California Insurance Code Section 13802(c). If the proceeds of the policy have been paid other than as described in Certifications 1, 2, or 3 the insurer shall state NO and shall state to whom the proceeds of the policy were paid and whether they were paid directly or to a bank account.

(b) Reports shall be provided on paper (original plus one copy) and in an electronic format approved by the Commissioner. Reports shall be mailed to the Department to the address below. Faxed reports will not be accepted.

Holocaust Era Insurance Registry  
California Department of Insurance  
45 Fremont Street  
San Francisco, California 94105

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Section 13804, Insurance Code.

**§2278.4 Timeframe for submission**

The report shall be received at the Department on or before April 7, 2000. The Commissioner may require additional reports, as necessary, consistent with the requirements of these regulations.

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Section 13804(a), Insurance Code.

**§2278.5 Establishment of the Holocaust Era Insurance Registry**

Pursuant to California Insurance Code Section 13803, the Department shall establish and maintain a central registry containing information received from insurers pursuant to the California Insurance Code Section 13800 et seq. regarding insurance policies in effect in Europe between 1920 and 1945. The registry shall be known as the Holocaust Era Insurance Registry and shall be accessible to the public at the Department's Public Viewing Rooms in Los Angeles and in San Francisco or pursuant to some other means as the Commissioner shall deem appropriate.

NOTE: Authority cited: Section 13807, Insurance Code. Reference: Section 13803, Insurance Code.

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